

Missouri Department of Natural Resources
Regulatory Impact Report
For
Proposed Amendment to 10 CSR 80-8.050

Division/Program: Division of Environmental Quality/Solid Waste Management Program

Rule number: 10 CSR 80-8.050 **Rule title:** Scrap Tire Processing Facility Permits

Type of rule: Amendment

Nature of the rule: Prescribes environmental standards
 Reflects revised statutory language in Senate Bill No. 225

Submitted by:

Jim Hull, Solid Waste Management Program Director

Date

Review and approval of the Final Regulatory Impact Report

Legal Counsel _____ Date _____

Division Director _____ Date _____

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- 1. Does the rulemaking adopt rules from the US Environmental Protection Agency or rules from other applicable federal agencies without variance?**

No. This rulemaking stems solely from the authorizations in state law.

- 2. A report on the peer-reviewed scientific data used to commence the rulemaking process.**

The proposed rule amendment development does not require review of peer-reviewed scientific data because the purpose of the rulemaking is to include financial assurance instrument (FAI) requirements pursuant to SB225. The proposed rule amendment relaxes the current substantive requirements and addresses industry concerns by consolidating and simplifying the existing regulations for the regulated community.

- 3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.**

Scrap tire processing facilities will directly benefit from the relaxed requirements and corresponding decreased costs of providing FAI's, thereby reducing their business costs through this rulemaking proposal.

- 4. A description of the environmental and economic costs and benefits of the proposed rule.**

The Solid Waste Management Program anticipates no environmental or economic costs associated with the proposed rulemaking. This proposed rule amendment addresses industry concerns about provisions in the current rule and is expected to lower costs to the regulated community.

- 5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.**

The program does not expect this agency or any other public agency will incur additional costs to implement and enforce this proposed rulemaking. The proposed rulemaking will have no effect on State revenue.

- 6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.**

This proposed rule amendment addresses industry concerns about provisions in the current rule and is expected to lower costs to the regulated community. No environmental costs are expected. This rulemaking is necessary due to the needed rescission of 10 CSR 80-8.040. Rule 10 CSR 80-8.040 was for scrap tire sites which, by statute are no longer allowed as stand-alone entities.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

Not applicable. This proposed rule amendment is not expected to have any associated costs and does not propose any new requirements. This amendment will lower the costs to the regulated community by consolidating and simplifying the existing regulations for the regulated community.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

Not applicable. This amendment proposes no additional requirements. This rulemaking is needed to incorporate financial assurance instrument (FAI) requirements pursuant to SB225 and to address industry concerns by consolidating and simplifying the existing regulations and reducing FAI requirements.

9. An analysis of both short-term and long-term consequences of the proposed rule.

For both the long and short term, the Solid Waste Management Program determined that if the proposed rule amendment is not promulgated, the regulated community would continue to have concerns about provisions in the current rule related to the provision of FAI's. This amendment will address industry concerns by consolidating and simplifying the existing regulations and lowering the costs to the regulated community.

10. An explanation of the risks of human health, public welfare or the environment addressed by the proposed rule.

Not applicable. The major human health, public welfare and environmental risk is associated with a fire at these facilities. This amendment proposes no additional requirements while maintaining current risk levels.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information.

Not applicable. This rulemaking does not require review of peer-reviewed scientific data because the purpose of the rulemaking is to consolidate and simplify the existing requirements.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

Not applicable. This rulemaking does not propose or modify any environmental standards.

13. A description of any significant countervailing risks that may be caused by the proposed rule.

None known. Failure to implement the proposed rulemaking may lead to additional confusion for the regulated community concerning compliance with the existing requirements.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

This amendment is the alternative to the current rule.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Formal comments can be provided on either the Regulatory Impact Report or the draft rule text by sending them to the contact listed below.

Questions and/or comments may be sent to:

Chris Nagel
Compliance and Enforcement Section Chief
Missouri Department of Natural Resources
Solid Waste Management Program
P.O. Box 176
Jefferson City, MO 65102-0176

Or

Call: (573) 751-5401

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Copies of formal comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above or by accessing the Rules in Development section at web site www.dnr.mo.gov/env/swmp/rulesdev.htm for this particular rulemaking.